

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18385 of 1996

Dated:05.12.2006

Between

Andhra Pradesh State Road
Transport Corporation Employes
Union rep., by its Secretary

.....Petitioner

and

Andhra Pradesh State Road Transport
Corporation, Mushirabad, Hyderabad

...Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18385 of 1996

ORDER:

This writ petition is filed seeking a Mandamus to declare the proceedings No. Supdt (P)/P1/502(1)/86-HRD dated 15.2.1995 as arbitrary and illegal.

It appears that there was a settlement under Section 12 (3) of the Industrial Disputes Act, 1947 (for short 'the Act') between the management of Andhra Pradesh State Road Transport Corporation (for short 'the Corporation') and its Union on 22.8.1991, whereunder, it was agreed to reserve 10% of the vacancies of conductors in the division for the children of employees who died in harness, retired from service and the children of employees who have completed 55 years of age or 25 years of service subject to the condition that the candidates fulfill the minimum qualifications prescribed under the Recruitment Regulations. If no eligible candidates are available, the posts will be filled up by direct recruitment. Now the present writ petition

is filed by the APSRTC Union complaining that the said settlement is not being implemented.

Learned counsel for the petitioner strenuously contended that even if the settlement under Section 12 (3) of the Act is contrary to the statutory Regulations of the APSRTC, it has to be implemented and any agreement entered into under Section 12 (3) of the Act is for keeping Industrial peace, therefore, the respondents cannot go back stating that the same cannot be implemented and he also placed reliance on a reported Judgment of this Court in **Government of A.P. and others v., D.Gopaiah.**^[1]

Be that as it may, the settlement under Section 12 (3) of the Act is binding on both the parties, even if it is inconsistent with the Statutory Regulations of the APSRTC. But the question that remains to be considered is as to whether such reservations in favour of children of employees, who died in harness, are against the provisions under Art 16 (4) of the Constitution of India.

I am of the opinion that the respondent-APSRTC cannot be directed to implement the

settlement under Section 12 (3) of the I.D.Act in the peculiar facts of this case. Therefore, the writ petition is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

05-12-2006

rkk

[\[1\]](#) 200 (6) ALD 759 (FB)